

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING
RECOMMENDATION TO COMMUNITY COUNCIL No. 10**

APPLICANT: Miami-Dade County Department of
Housing and Community Development

PH: Z11-040 (11-9-CZ10-6)

SECTION: 2-54-39

DATE: September 7, 2011

COMMISSION DISTRICT: 11

ITEM NO.: 6

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A. o SUMMARY OF REQUEST:

The applicant is seeking to delete a Declaration of Restrictions.

o REQUEST:

DELETION of Declaration of Restrictions as recorded in Official Record Book 23220, pages 4140-4145.

The purpose of the above request is to allow the applicant to delete a covenant tying the site to a low-income elderly housing and park/ride facility, certain landscaping requirements and that the property be approved through an Administrative Site Plan Review.

o LOCATION:

The southwest corner of SW 8 Street and SW 127 Avenue, Miami-Dade County, Florida.

o SIZE: 2.23-acres more or less

B. ZONING HEARINGS HISTORY:

In 2004, pursuant to Resolution CZAB10-41-04, the Zoning Appeals Board granted, a district boundary change from GU to RU-4L. The applicant proffered a covenant limiting the development of the site to low-income elderly housing and park and ride facility with a maximum of fifty-four (54) residential units. The covenant also required that a continuous hedge be planted along the south and west property lines and that the development be approved through the Miami-Dade County Administrative Site Plan Review process.

C. NEIGHBORHOOD CHARACTERISTICS:

ZONING

LAND USE PLAN DESIGNATION

Subject Property:

RU-4L; vacant land

Business and Office

Surrounding Properties:

<u>NORTH:</u> GU; park and fire station	Estate Density Residential (1 to 2.5 dua)
<u>SOUTH:</u> EU-1; mobile home park	Low-Medium Density Residential (2.5 to 6 dua)
<u>EAST:</u> BU-2; commercial	Business and Office
<u>WEST:</u> EU-1; mobile home park	Business and Office

D. NEIGHBORHOOD SERVICES PROVIDER COMMENTS:

DERM	No objection
Public Works	No objection
Parks	No objection
MDT	No objection*
Fire Rescue	No objection
Police	No comment
Schools	No objection

* Subject to conditions in their memorandum

E. PLANNING AND ZONING ANALYSIS:

The subject property is located on the southwest corner of SW 8 Street (Tamiami Trail) and SW 127 Avenue. The 2.23 ± acres property is designated as **Business and Office** (see attached Zoning Recommendation Addendum) on the Adopted 2015-2025 Land Use Plan (LUP) map.

The subject property has been the subject of two government facility hearings, in 2002 and 2004. Both hearings authorized the erection, construction and operation of a park and ride facility for Miami-Dade Transit (MDT). Subsequently, MDT entered into an agreement with the Miami-Dade Housing Agency to develop the site with both low-income elderly housing and a park and ride facility.

Pursuant to Resolution CZAB10-41-04, the applicant was approved for fifty-four (54) elderly housing residential units in conjunction with the previously approved park and ride facility. The applicant is seeking to delete the recorded Declaration of Restrictions, which was submitted pursuant to the aforementioned resolution (CZAB10-41-04) tying the site to a low-income elderly housing and park/ride facility, certain landscaping requirements and that the property be approved through an Administrative Site Plan Review.

Staff notes, the applicant has submitted plans through the Government Facility Hearing process (G10-003) which depict a mixed-use development consisting of affordable elderly housing units, ancillary retail and a park and ride facility. The plan submitted through the government facilities hearing process must be **consistent** with the CDMP, as such staff opines the deletion of the covenant affords the applicant the opportunity to develop the site within the density threshold of the CDMP without the encumbrances of

the existing covenant and as such will be **consistent** with the Business and Office and Mixed-Use text of the CDMP.

When the request is analyzed under the General Modification Standards, Section 33-311(A)(7) (see attached Zoning Recommendation Addendum), the proposed deletion, in staff's opinion, will not generate excessive traffic, provoke excessive overcrowding of people, tend to provoke a nuisance, and would be **compatible** with the area and be consistent with the CDMP. Staff opines that the approval of the applicants' request would not have a negative impact on the residential developments to the west and south as it will be developed at a density threshold consistent with that allowed by the CDMP and therefore, would be **compatible** with the area concerned, when considering the necessity and reasonableness of the deletion or in relation to the present and future development of the area. **As such, staff recommends approval of the request under Section 33-311(A)(7), Generalized Modification Standards.**


F. RECOMMENDATION:

Approval.

G. CONDITIONS:

None.

DATE TYPED: 07/07/11
DATE REVISED:
DATE FINALIZED: 08/07/11
MCL:GMR;NN:JV:AN



Marc C. LaFerrier, AICP, Director
Miami-Dade County Department of
Planning and Zoning *NDN*

ZONING RECOMMENDATION ADDENDUM

Miami-Dade County Department of Housing and Community Development
11-040

COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP) OBJECTIVES,
POLICIES AND INTERPRETATIVE TEXT

Business and Office	<p><i>The Adopted 2015 and 2025 Land Use Plan designates the subject property, being within the Urban Development Boundary for Business and Office. This category accommodates the full range of sales and service activities. Included are retail, wholesale, personal and professional services, call centers, commercial and professional offices, hotels, motels, hospitals, medical buildings, nursing homes (also allowed in the institutional category), entertainment and cultural facilities, amusements and commercial recreation establishments such as private commercial marinas. Also allowed are telecommunication facilities (earth stations for satellite communication carriers, satellite terminal stations, communications telemetry facilities and satellite tracking stations). These uses may occur in self-contained centers, high-rise structures, campus parks, municipal central business districts or strips along highways. In reviewing zoning requests or site plans, the specific intensity and range of uses, and dimensions, configuration and design considered to be appropriate will depend on locational factors, particularly compatibility with both adjacent and adjoining uses, and availability of highway capacity, ease of access and availability of other public services and facilities. Uses should be limited when necessary to protect both adjacent and adjoining residential use from such impacts as noise or traffic, and in most wellfield protection areas uses are prohibited that involved the use, handling, storage, generation or disposal of hazardous material or waste, and may have limitations as to the maximum buildable area, as defined in Chapter 24 of the County Code. When the land development regulations are amended pursuant to Land Use Element Policies LU-9P and LU-9Q, live-work and work-live developments shall be permitted on land designated as Business and Office, as transitional uses between commercial and residential areas.</i></p> <p><i>Residential uses, and mixing of residential use with commercial, office and hotels are also permitted in Business and Office areas provided that the scale and intensity, including height and floor area ratio of the residential or mixed use development, is not out of character with that of adjacent or adjoining development and zoning, and it does not detrimentally impact, and it provides a sensitive well designed transition to any adjacent or adjoining residentially developed or designated areas of different development intensity. Where these conditions are met residential development may be authorized to occur in the Business and Office category at a density up to one density category higher than the LUP-designated density of the adjacent or adjoining residentially designated area on the same side of the abutting principal roadway, or up to the density of any such existing residential development, or zoning if the adjacent or adjoining land is undeveloped, whichever is higher. If there is no adjacent or adjoining residential use existing, zoned or designated on the same side of the roadway, the maximum allowable residential density will be that which exists or which this plan allows across the roadway. Where there is no residential use, zoning or designation on either side of the roadway, the intensity of residential development, including height, bulk and floor area ratio shall be no greater than that which would be permitted for an exclusively commercial use of the site. Where SURs or TDRs are transferred to Business-designated parcels which are zoned or to be used for residential development, or when a residential project utilizes the inclusionary zoning program the allowances of the Residential communities section may be used within the limits provided in this paragraph.</i></p>
Land Use Policy 4A	<p><i>When evaluating compatibility among proximate land uses, the County shall consider such factors as noise, lighting, shadows, glare, vibration, odor, runoff, access, traffic, parking, height, bulk, scale or architectural elements, landscaping, hour of operation, buffering, and safety, as applicable.</i></p>

PERTINENT ZONING REQUIREMENTS/STANDARDS

33-311(A)(7) Generalized Modification Standards	<p><i>The Board shall hear applications to modify or eliminate any condition or part thereof which has been imposed by any final decision adopted by resolution, and to modify or eliminate any provisions of restrictive covenants, or parts thereof, accepted at public hearing, except as otherwise provided in Section 33-314(C)(3); provided, that the appropriate board finds after public hearing (a) that the modification or elimination, in the opinion of the Community Zoning</i></p>
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ZONING RECOMMENDATION ADDENDUM

*Miami-Dade County Department of Housing and Community Development
11-040*

	<i>Appeals Board, would not generate excessive noise or traffic, tend to create a fire or other equally or greater dangerous hazard, or provoke excessive overcrowding of people, or would not tend to provoke a nuisance, or would not be incompatible with the area concerned, when considering the necessity and reasonableness of the modification or elimination in relation to the present and future development of the area concerned, or (b) (i) that the resolution that contains the condition approved a school use that was permitted only as a special exception, (ii) that subsequent law permits that use as of right without the requirement of approval after public hearing, and (iii) that the requested modification or elimination would not result in development exceeding the standards provided for schools authorized as a matter of right without the requirement of approval after public hearing.</i>
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